IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

W. A.No. 79 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.32870/2006 Dated 11/12/2006

APPELLANT: (PETITIONERS)

1. JOY JOSEPH, PEON,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LIMITED,
PALA MAI BRANCH, PALAI.

2. JOBY THOMAS, PEON,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LIMITED,
HEAD OFFICE, KOTTAYAM.

3. K.SETHUNATH, PEON,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LIMITED,
KOTTAYAM.

4. JOSE NELLIMALA, PEON,
KOTTAYAM DISTRICT CO-OPERATIVE BANK LIMITED,
KOTTAYAM.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS: (RESPONDENTS)

1. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK LIMITED, KOTTAYAM, REPRESENTED BY ITS
GENERAL MANAGER.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, KOTTAYAM.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
   THIRUVANANTHAPURAM.

4. THE STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
   CO-OPERATION, THIRUVANANTHAPURAM.

BY ADV. SRI. BENNY GERVASIS, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 79 OF 2007

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Dated this the 15th day of January 2007

JUDGMENT

Abdul Gafoor,J

Admittedly the appellants/writ petitioners were working on temporary basis as peon with effect from 15.11.1995, 25.11.1995, 24.01.1996, 08.07.1996 respectively. There was a direction from the Registrar of Co-Operative societies and from government that temporary employees shall not be continued beyond 179 days. There was a direction from the Registrar of Co-Operative societies to terminate such temporary hands working in the bank. All these were done in the light of the amendment to section 80(3)(A) of the Kerala Co-Operative Societies Act, 1969 leaving all regular appointments in the District Co-Operative Banks with effect from 25.04.1995, to be made from the ranked lists prepared by the Kerala Public Service Commission. In spite of that, the writ petitioners were continued in the service of the Kottayam District Co-Operative Bank Ltd., and their names were recommended to Registrar for regularisation. The Joint Registrar turned down their request for regularisation. Consequently, the petitioners approached the Government. The Government also

rejected their appeal accepting the recommendations made by the Joint Registrar by Ext.P6 which had been impugned before the learned single Judge. The learned single Judge has considered the matter and upheld Ext.P6.

2. When, amending the Kerala Co-Operative Societies Act, appointments to various posts in District Co-Operative Banks, like the 1st respondent, had been left to the Public Service Commission, necessarily a back door entry like the one here cannot be adopted by the 1st respondent, to circumvent the law, to appoint persons of its choice without giving equality of opportunity to the incumbents from the open market. Therefore, the learned single Judge was perfectly justified in repelling the challenge against Ext.P6. According to us, the learned Single Judge has rightly dismissed the writ petition.

The writ appeal is dismissed accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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